

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

CLARENCE EUGENE JONES,

No. 2:18-cv-00815-YY

Plaintiff,

ORDER

v.

M. ROJAS, et al.,

Defendants.

Clarence Eugene Jones
777 Stanton Blvd.
Ontario, OR 97914-8335

Pro Se Plaintiff

Shannon M. Vincent
Oregon Department of Justice
Trial Division, CLS
1162 Court St. NE
Salem, OR 97301-0346

Attorney for Defendants Rojas, Paynter, Houston, Fuentes, Whitley, Cain, McKenzie and Doman.

HERNÁNDEZ, District Judge:

Magistrate Judge You issued a Findings and Recommendation [74] on September 30, 2019, in which she recommends that the Court grant in part Plaintiff's motion to supplement his complaint. Plaintiff timely filed objections to the Findings and Recommendation. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).


Plaintiff objects to the Findings and Recommendation because he has alleged sufficient facts to state a claim under 42 U.S.C. § 1983 against Defendant Johnson. Objections to F&R, ECF 84. The Court carefully considered Plaintiff's objections and supplemental objections and concludes that the objections do not provide a basis to modify the recommendation. The Court also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court GRANTS Plaintiff's Motion to Supplement Objections to the Findings and Recommendation [88]. The Court ADOPTS Magistrate Judge You's Findings and Recommendation [74]. Therefore, Plaintiff's motion to amend his complaint [60] is GRANTED as to the supplemental allegations against Defendant Rojas and DENIED as to the allegations against Defendant Johnson. The Clerk is directed to detach Plaintiff's Second Supplemental Complaint, ECF 60-1, and file it. The allegations against Defendant Johnson in Plaintiff's Second Supplemental Complaint are STRICKEN. Defendant Johnson remains dismissed from this action.

IT IS SO ORDERED.

DATED: December 23, 2019



MARCO A. HERNÁNDEZ
United States District Judge